

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MYRONISHA DAILEY,
Plaintiff,

v.

JUST ENERGY MARKETING CORP., et
al.,
Defendants.

Case No. 14-cv-02012-HSG

**ORDER DENYING DEFENDANT'S
REQUEST FOR PRODUCTION OF TAX
RETURNS**

Re: Dkt. No. 35

In a discovery letter brief filed on March 2, 2015, Defendants Just Energy and Commerce Energy requested that this Court order Plaintiff Myronisha Dailey to produce her federal and state income tax returns for the years 2012 through 2014, along with all schedules and attachments thereto. *See* Dkt. 35. Dailey opposed the request. *Id.*

California law recognizes a privilege protecting against the forced disclosure of income tax returns. *Webb v. Standard Oil Co.*, 49 Cal. 2d 509, 513 (1957). The purpose of this privilege “is to facilitate tax enforcement by encouraging a taxpayer to make full and truthful declarations in his return, without fear that his statements will be revealed or used against him for other purposes.” *Id.* The tax return privilege is not absolute: it is waived or inapplicable in situations where “(1) there is an intentional relinquishment, (2) the gravamen of the lawsuit is so inconsistent with the continued assertion of the taxpayer’s privilege as to compel the conclusion that the privilege has in fact been waived, or (3) a public policy greater than that of confidentiality of tax returns is involved.” *Schnabel v. Super. Ct.*, 5 Cal. 4th 704, 721 (1993) (citations omitted).

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None of the three exceptions to the California tax return privilege are satisfied here, for the reasons articulated by the Court in its March 20, 2015 Order, Dkt. 36, and at the April 8, 2015 Case Management Conference. Defendants' request for the production of Dailey's tax returns is therefore DENIED.

IT IS SO ORDERED.

Dated: 4/9/2015


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California